

HFS 45.08 Transportation.

(1) APPLICABILITY. This subsection applies to all center-provided transportation of children in care, including both regularly scheduled transportation to and from the center and field trip transportation.

HFS 45.08(4)(b) applies to any vehicle provided by the center and used to transport children.

Note: The Department's form CFS-0056 Child Care Transportation Permission may be used to obtain parental consent for transportation when regularly scheduled transportation between the center and the child's residence or another location is provided. See Appendix E for information on how to obtain copies of Department forms.

(2) EMERGENCY INFORMATION. All of the following emergency information shall be carried in the vehicle for each child transported:

(a) An address and telephone number where a parent or other adult can be reached in an emergency.

(b) The name, address and telephone number of the child's health care provider.

(c) Written consent from the child's parent for emergency medical treatment.

Note: The licensee must use the Department's form CFS-0062 or CFS-62A, Child Enrollment form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the Department's form is in Appendix E.

(3) DRIVER. The driver of the vehicle shall be at least 18 years of age and shall hold a valid Wisconsin operator's license for the type of vehicle driven.

Valid driver's license from the state of residence is acceptable. A copy of the driving record must be on file as documentation that the driver license is valid. It is recommended that the driving record be obtained annually.

(4) VEHICLE.

(a) All vehicles used to transport children shall be registered by the state of Wisconsin.

Vehicles appropriately licensed in another state may be used to transport children without an exception.

(b) Center-owned or provider-owned vehicles used to transport children shall be in safe operating condition. At 12-month intervals the licensee shall provide the department with evidence of a vehicle's safe operating condition on a form provided by the department.

CFS-52 Vehicle Safety Inspection is to be signed by owner/employee of a bona fide repair business such as a garage, auto repair shop or service station. The name of the repair business should appear on the vehicle inspection form in addition to the signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If the inspection report indicates needed repairs, vehicle must be repaired and inspection form must note the necessary repair or replacement has been completed.

New and used vehicles purchased from an authorized dealer with inspection report will be accepted for one year.

45.08(4)(b)Note:

Note: The Department's form CFS-0052, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain a copy of the Department's form is in Appendix E.

(5) SEAT BELTS. Each child under 4 years of age or 40 pounds being transported in a vehicle shall be properly seated and restrained in an individual child car safety seat. Each child not required to be transported in an individual child care safety seat and accompanying adult shall be restrained by a seat belt. Seat belts may not be shared.

Children must be properly secured in a car seat, a booster seat or shoulder/lap belt correct for his or her size. All children under the age of 4 years or 40 pounds are required to in a child safety seat as specified in the rule.

2005 Wisconsin Act 106, Effective June 1, 2006. All children who weigh between 40 and 80 pounds and are not more than 4'9" tall who are at least 4 years old, but not more than 8 years old, must ride in a child booster seat. A child under age 8 who exceeds the weight or height requirements must be restrained in a seat belt. Children over age 8 must be restrained by a seat belt. If because of age, weight or height a child falls into more than one category, the more protective requirement must be met.

Seat belts are not required in some vehicles even though these vehicles have a capacity of 15 or fewer people. This includes taxicabs, mopeds, motorcycles, snowmobiles and vehicles designed for 2 persons if there are 2 persons 4 years of age or older in the vehicle.

If a center owns, leases or contracts for a school bus, seat belts or car safety seats are not required because these vehicles were constructed to carry children without such devices.

If seat belts are present in a vehicle, seat belts must be used to restrain children being transported.

The National Highway Traffic Safety Administration (NHTSA) modified its interpretation of a federal law in the early 1990s. That law relates to transporting children to and from schools and limits the number of children transported in passenger vans designed to carry more than 10 people. The reinterpretation of that law applies to any agency that transports children to and from schools. See Appendix Z for information on this NHTSA reinterpretation and its effect on child care centers that transport children. Centers may be cited for violating this law under HFS 45.04(2)(a) which requires that centers comply with all applicable laws and rules.

INFANT / TODDLER RESTRAINTS: A child crash-tested restraint is a restraint that has been determined to perform satisfactorily in dynamic tests (simulated crash tests). Satisfactory performance is defined as meeting or exceeding the critical elements of the NHTSA's 1974 proposed revision to Federal Motor Vehicle Safety Standard 213.

LIST OF RESTRAINTS: A list of currently approved child safety restraints and recalls may be obtained from the Wisconsin Information Network for Safety, 1007 Ellis St., Stevens Point, WI 54481 or from the web site www.childsafety.org.

INTEGRATED SAFETY SEATS: Many new vehicles are equipped with integrated child safety seats that are designed for children who weigh at least 20 lb. and are at least 1 year of age. All infants younger than 1 year of age or who weigh less than 20 lb. should be positioned rear facing in separate child safety seats in the back seat.

For additional information, contact the NGTSA Auto Safety Hotline at (800) 424-9393.

45.08(6)

(6) VEHICLE CAPACITY AND SUPERVISION.

(a) Children may not be left unattended in a vehicle.

(b) Children under age 13 years may not ride in the front seat of a vehicle. If a vehicle has a front passenger side air bag, the air bag shall be deactivated and inoperable during the time a child is a passenger in the front seat.

The provider's own children who are 7 years of age or older may ride in the front seat of a vehicle. They are not considered to be "in care." Children in care between the ages of 13 – 17 may ride in the front seat.

(c) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver whenever there are more than 3 children who are either under 2 years of age or who have a handicap which limits their ability to respond to an emergency.

When evaluating the need to have an adult supervisor (in addition to the driver) present on the vehicle the center needs to consider the ability of the child with a disability to evacuate the vehicle with limited additional help from the driver, the number and ages of other children being transported and whether any children being transported have a behavioral history that would might be disruptive during transportation.

(d) After transporting a child to his or her destination, an adult shall ensure the child is in the custody of a provider, a parent, or other adult designated by the parent. A parent of a school age child may authorize a child to enter a building unescorted.

Note: Form CFS-0056 Child Care Center Transportation Permission form may be used to designate an adult to receive a child being transported. See Appendix E for information on how to obtain a copy of this form.

(7) SMOKING. Smoking is prohibited in the vehicle while children are being transported.